

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY KARTTUNEN,

Plaintiff,

Case No. 06-13388

v.

Hon. John Corbett O'Meara

DAVID CLARK,

Defendant.

ORDER OF PARTIAL DISMISSAL

On July 26, 2006, Plaintiff filed a two-count complaint alleging assault and battery (Count I) and violations of 42 U.S.C. § 1983 (Count II). Plaintiff does not allege that diversity jurisdiction exists. Although Plaintiff's § 1983 claim is cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiff's assault and battery claim is based on state law. Pursuant to 28 U.S.C. § 1337(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim.

IT IS HEREBY ORDERED that Count I of Plaintiff's complaint is DISMISSED.

s/John Corbett O'Meara
United States District Judge

Dated: August 10, 2006

Certificate of Service

I hereby certify that a copy of this Order was served upon the attorneys and/or parties of record by electronic means or U. S. Mail on August 10, 2006.

s/William J. Barkholz
Courtroom Deputy Clerk